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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 6th August, 1982:—

BILL NO. 75 OF 1982

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1982. | Short title and commencement. |
| (2) It shall come into force at once. | |
| 2. After article 156 of the Constitution, the following article shall be inserted, namely:— | Insertion of new article 158A. |
| “156A. Notwithstanding anything contained in this Constitution, the Governor may, for violation of the Constitution, be removed from office by impeachment by Parliament in the same manner as provided for in article 61 for impeachment of the President.”. | Impeachment of Governor. |

STATEMENT OF OBJECTS AND REASONS

The office of the Governor is of crucial importance in the Constitutional set-up of our country. The Constitution casts upon the Governors of the States the responsibility of preserving, protecting and defending the Constitution and the law. The Governors hold office during the pleasure of the President. The Governor may, however, by writing under his hand addressed to the President resign his office. There is no specific provision for the removal of the Governors from the office. There is also no provision for the impeachment of the Governors for the violation of the Constitution, as provided by article 61 in the case of the President.

There have been occasions in the past when allegations were made that certain acts of omissions and commissions of the Governors amounted to the violation of the Constitution. Recently, the actions of the Governor of Haryana, in matters relating to the appointment of the Chief Minister of the State under article 164 after the poll of May 19, 1982, have led the opposition parties to make the allegation that the Governor of Haryana acted in violation of the Constitution which he is bound to preserve, protect and defend.

The Governor had stated that under the Constitution he had to call the leader of the single largest Legislature Party to form the Government. But he has not cited the relevant provision of the Constitution to justify his statement. Besides, the Governor appointed the Chief Minister even before the Election Commission had formally constituted the Haryana Assembly and before the existing Assembly was formally dissolved. All these, among others, go to prove the charges of violation of the Constitution by the Governor of Haryana.

The Constitution provides for impeachment of the President for violation of the Constitution under article 61. But there is no such provision in the case of Governors. In the absence of any such provision, Parliament nor the State Legislature can exercise necessary restraint on the Governors.

It is necessary to remove this lacuna and shortcoming in order to create suitable mechanism in the Constitution itself to check the undesirable exercise or misuse of power by the Governors.

Hence this Bill.

NEW DELHI;

CHITTA BASU

June 17, 1982

BILL No. 98 OF 1982

A Bill to provide for compulsory registration of marriages in India and for matters connected therewith.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration of Marriages Act, 1982.

(2) It shall come into force at once.

2. Every marriage performed after the commencement of this Act under any law for the time being in force in India or under any custom or usage having the force of law shall be compulsorily registered.

3. The marriages shall be registered—

(i) in the office of Panchayat in the rural areas;

(ii) with the Sub-Registrar or Tehsildar, who may be authorised by the State Government in this behalf, in the urban areas:

Provided that where there is no Panchayat, the marriages shall be registered with the nearest Sub-Registrar or Tehsildar who may be authorised in this behalf.

Short
title
and
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Compul-
sory
regis-
tration of
marriages.

Authori-
ties for
registra-
tion of
marriages.

Parti-
culars
of mar-
riage.

4. (1) The particulars of the marriage to be entered in the marriage register to be maintained by the Panchayat, Sub-Registrar or Tehsildar, as the case may be, and the form and manner in which such particulars shall be entered, shall be prescribed by the respective State Governments.

(2) The State Government shall also prescribe the documents relating to marriage to be furnished at the time of registration for record.

(3) The particulars/documents relating to marriage, to be prescribed by the State Government, required to be furnished for registration, shall include the following, namely:—

(a) the names and addresses of the bride, bridegroom and their parents;

(b) the ages of the bride and the bridegroom with documentary proof thereof;

(c) photograph of the married couple;

(d) invitation card, if printed for the marriage;

(e) an inventory of gifts received by the bride and the bridegroom from the time of betrothal till the completion of marriage;

(f) an affidavit stating the share of the bride in her parents' property till the date of her marriage with an assurance to ensure her claim on her share in the property earned after her marriage;

(g) statement of expenses incurred by both the parties for marriage ceremony including betrothal.

Decla-
ration
at the
time of
registra-
tion.

5. (1) The bride, the bridegroom and their parents or guardians shall make a declaration at the time of registration of the marriage in the form of an affidavit, to be prescribed by the Central Government, that they have not violated any provision of any existing law relating to marriage, prohibition of dowry and prohibition of polygamy, applicable to them.

(2) A person making a false declaration under sub-section (1) shall be punishable with imprisonment which may extend to two years but which shall not be less than six months.

Duty of
parents,
etc. for
registra-
tion and
penalty.

6. (1) It shall be the duty of the bride, bridegroom and their parents or guardians to get the marriage registered within ten days of the date of solemnisation of the marriage.

(2) In case the parents or the guardians of the bride and the bridegroom fail to apply for the registration of the marriage and to furnish the necessary particulars/documents within the prescribed time, they shall be liable to a fine which may extend to five hundred rupees:

Provided that if the application for registration is not made and the necessary particulars/documents are not furnished within thirty days after the date of marriage, they shall be liable to a further fine of one hundred rupees per week after the expiry of the aforesaid thirty days.

7. A marriage which is not registered under this Act shall not get the legal status and shall not entitle the bride and the bridegroom to the advantages under the law.

Legal
status.

8. Gifts received by the bride in the marriage shall be treated as "Streedhan" for the purposes of succession.

Gifts
to be
Streedhan.

9. The Central or the State Government, as the case may be, shall frame rules for carrying out the purposes of this Act.

Power
to make
rules.

STATEMENT OF OBJECTS AND REASONS

The security and sanctity of marriage is fast diminishing. Number of dowry murders or suicides due to mental and physical torture inflicted on young wives is increasing at an alarming rate. Women are either abandoned or deceived and lured into marrying illegally, contravening the law relating to prohibition of polygamy.

There is an urgent need to protect women from destitution, polygamy and economic insecurity.

This Bill seeks to achieve these objectives.

NEW DELHI;
July 1, 1982.

PRAMILA DANDAVATE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central and the State Governments to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, e.g., particulars|documents relating to marriage to be furnished at the time of registrataion of marriage, the delegataion of legislataion powers is of a normal character.

BILL NO. 92 OF 1982

A Bill further to amend the Delhi Rent Control Act, 1958.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Rent Control (Amendment) Act, 1982.

Short
title
and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and such date may be any date prior to the passing of this Act.

69 of 1958.

2. In the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

Amend-
ment of
section 2.

(i) in clause (e) and everywhere in the Act wherever it occurs, for the word “landlord”, the word “houseowner” shall be substituted;

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ee) “house” means a building constructed on a plot of land, which is wholly or partially used for residential or non-residential purposes, and includes the garden, grounds and out-houses, if any, appertaining to such buildings.

(iii) in clause (l), for the words “means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable,” the words “means any person occupying premises, whether residential or non-residential, under a lease deed, agreement or any other document for the period mentioned in the said lease deed, agreement or document, as the case may be,” shall be substituted;

(iv) after clause (l), the following clause shall be inserted, namely:—

“(ll) “tenant at sufferance” means any person occupying premises, whether residential or non-residential, after the termination or expiry of the lease deed, agreement or any other document; or a person occupying any premises without any written lease deed, agreement or any other document:

Provided that in the case of a person occupying premises before June 30, 1982, the covered area of which is not more than 70 square metres or the rent for which does not exceed rupees 750/- per month, the person shall be deemed to be a tenant as defined in clause (l) of section 2.”.

Amend-
ment of
section
3.

3. In section 3 of the principal Act, after clause (b), the following clauses shall be inserted, namely:—

“(c) to any tenancy or other like relationship created by a lease deed, agreement or any other document by a firm, company, any foreign embassy or organisation; or

(d) to any house owned by a retired Government servant, freedom fighter or any person retired from a public or private sector organisation or by his wife or minor child:

Provided that nothing in this section shall be construed as conferring a right on a houseowner owning two or more houses in the Union territory of Delhi, whether in his own name or in the name of his wife or dependent child, to claim exemption from the operation of the Act for more than one house and such houseowners shall indicate the house for which they intend to claim exemption by a specified date to be notified by the Central Government in the Official Gazette:

Provided further that provisions for summary trial under section 25A and section 25B shall apply in eviction proceedings concerning the category of tenants mentioned in clause (c) and houseowners in this clause.”.

Amend-
ment of
section 6.

4. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of sub-section (2) “standard rent”, in relation to any premises, residential or non-residential, means fifteen per cent. of the reasonable cost of construction and market

price of land prevailing during the base year as determined by the Central Government, with provisions for suitable periodic adjustments in rent related to the cost of construction, repairs and the cost of living index as determined by the Ministry of Labour:

Provided that where the rent so calculated exceeds two thousand and four hundred rupees per annum, this sub-section shall have effect as if for the words "fifteen per cent.", the words "twenty per cent." had been substituted in the case of residential premises and "twenty-five per cent." had been substituted in the case of non-residential premises."

5. In section 14 of the principal Act,—

Amendment of section 14.

(i) in sub-section (1),—

(a) in clause (e), the words "dependent on him" shall be omitted;

(b) after clause (l), the following clause shall be inserted, namely:—

"(m) that the person in occupation of a premises, residential or non-residential, is a tenant at sufferance;"

(ii) sub-section (6) shall be omitted;

(iii) in sub-section (7),—

(a) after the words "clause (e)", the words "and clause (m)" shall be inserted;

(b) after the words "proviso to sub-section (1)", the words "or under section 14A" shall be inserted;

(c) for the words "six months", the words "two months" shall be substituted."

6. In section 21 of the principal Act, after the words "occupation of such premises", the words "and the orders of the Controller in this behalf shall be final and shall not be questioned in any Court of Law." shall be inserted.

Amendment of section 21.

7. In section 25B of the principal Act,—

(i) in sub-section (1), after the words "in clause (e)", the words "and in clause (m)" shall be inserted;

Amendment of section 25B.

(ii) in sub-section (6), for the words "as early as practicable", the words "and the hearing shall be completed within three months from the date of the order granting leave to the tenant to contest the application." shall be substituted.

8. Section 25C of the principal Act shall be omitted.

Omission of section 25C.

9. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of Chapter VII A.

"CHAPTER VIIA

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF TENANTS AND PENALTIES

Tenant
to pay
penalty.

49A. (1) A tenant shall be liable to pay two and a half per cent. of the monthly rent as penalty for the period of default if he fails to pay the rent on the due date.

(2) A tenant at sufferance (i) shall be liable to pay rent at double the rate of rent that he is liable to pay under section 4 with effect from the date on which his lease deed, agreement or any other document was terminated or expired as damages.

(ii) shall be liable to pay three times the rent he is liable to pay under section 4 if he fails to vacate the premises within the period of grace granted to him by the competent authority ordering his eviction from the premises."

Insertion of
section 53.
Arbitration.

10. After section 52 of the principal Act, the following section shall be inserted, namely:—

"53. Nothing in this Act shall render illegal a contract by which two or more persons agree that any dispute that may arise between them as house-owner and tenant in respect of any matter or matters pertaining to rented premises shall be referred for arbitration and that the decision of the arbitrator, on the matters referred to him, shall be binding on the parties."

STATEMENT OF OBJECTS AND REASONS

The working Group on private housing set up by the Government of India in its report in November 1981 had made many important recommendations to step up private investment in construction activities to relieve the acute shortage of housing. These are under the active consideration of the Government of India.

The Government is aware of the urgent need to amend the Delhi Rent Control Act, 1958, which seems to have outlived its utility and appears to be obsolete in the prevailing socio economic conditions. The Government has also in view to introduce a model legislation to regulate the houseowner—tenant relationship all over India on the basis of the recommendations of the Commission for Economic Administration Reforms under the Chairmanship of Shri L. K. Jha. But no firm date has so far been fixed by the Government for introducing fresh legislation in this behalf.

An attempt has been made in this Bill to rationalise some of the provisions of the Delhi Rent Control Act, 1958, with a view to secure justice both for the tenants and the houseowners in the hope that this will alleviate the widespread prevailing houseowner—tenant tension. It will thus relieve the unbearable pressure on the Judiciary as well as the machinery for keeping law and order and step up housing activity. It will thus contribute to lower rents and make housing accommodation more easily available for all sections of society.

The Bill seeks to achieve the above objectives.

NEW DELHI;

June 15, 1982.

V. N. GADGIL

BILL NO. 95 OF 1982

A Bill to provide for appointment of only one person from a family in public services and posts in connection with the affairs of the Union.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the One Family One Post (in Government Service) Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint but such date shall not be later than six months from the date on which it is assented to by the President.

Defi-
nitions.

2. (a) "family" means and includes husband, wife or wives, as the case may be, unmarried sons and unmarried daughters;

(b) "Government service" means an appointment to a post in connection with the affairs of the Union and includes an appointment in an undertaking of the Government of India.

One
person
from a
family
in Gov-
ernment
service.

3. Only one member of a family shall be allowed to hold a post in Government service and the posts falling vacant, consequent on the enforcement of the provisions of this section, shall be provided to an adult member of such families who do not have any regular means of livelihood provided such adult member is eligible for such post.

4. Every person while accepting Government service shall be asked to declare on oath, in the prescribed form, that none of the members of his family is in Government service.

Declaration to be made at the time of accepting Government service.

5. Any person, who is not in Government service, may file a petition to the administrative head of the Government establishment against a person in Government service on the ground that such person belongs to a family from which more than one member is in Government service.

Right to file petition.

6. The provisions of this Act shall not apply to persons serving as combatant members of armed forces.

Exemption.

7. (1) Any person who remains in Government service in contravention of the provisions of this Act, shall be punishable with fine which may extend to five thousand rupees, and for continuing contravention, the fine for each day of such contravention shall be twice the amount the offender is entitled to receive as emoluments for that day.

Penalty

(2) Any person who knowingly abets contravention of the provisions of this Act or rules made thereunder or who deliberately withholds any information with a view to defeating the purposes of this Act, shall be punishable with fine which may extend to three thousand rupees.

8. (1) The Central Government shall make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the particulars which the declaration form under section 4 shall contain;

(b) the procedure for deciding the petitions made under section 5;

(c) any other matter which may be prescribed under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are lakhs of job-seekers registered with the employment exchanges all over the country. In a large number of cases not even a single member of a family is gainfully employed. On the other hand there are innumerable cases where a number of family members are employed in Government and semi-Government offices. Taking into consideration the large population of the country and the limited employment opportunities, it is necessary to regulate by law the concept of "one family one post" in Government establishments.

Hence this Bill.

NEW DELHI;
July 2, 1982.

K. RAMAMURTHY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL No. 102 OF 1982

A Bill further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the Land Acquisition (Amendment) Act, 1982. Short title.

1 of 1894.

2. In section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in sub-section (1), the following proviso shall be added, namely:— Amendment of section 4.

“Provided that no such notification shall be issued unless the appropriate Government has formulated a scheme for the immediate utilisation of land for a particular public purpose, for which it is likely to be needed.”.

3. In section 6 of the principal Act—

Amendment of section 6.

(i) in sub-section (1),—

(a) the first proviso shall be omitted; and

(b) in the second proviso, the word “further” shall be omitted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in this Act, where the acquisition of any particular land covered by a declaration under sub-section (1) of this section, is not completed (including payment of compensation to the owner) within one year from the publication of notification under section 4, sub-section (1), or the land so acquired has not been utilised for the particular purpose for which it was acquired within three years from its acquisition, then—

(a) if no compensation has been paid or offered to the owner for such land and the land has not vested in the Government, the Government shall be deemed to have withdrawn from its acquisition; and

(b) if the land has vested in the Government but the same has not been utilised for the particular purpose for which it was acquired, within three years from its acquisition, the same shall be deemed to have been re-vested in the owner on refund by the owner of the amount of compensation, if any, received by him together with interest received by him.”.

Amend-
ment of
section 23.

4. In section 23 of the principal Act,—

(i) In sub-section (1), the following proviso shall be added at the end, namely:—

Provided that in all cases of acquisition after 1957 and prior to the commencement of the Land Acquisition (Amendment) Act, 1982, where the Collector's award under section 11 has been made after two years of the notification under section 4, sub-section (1), the market-value of the land at the date of making such award shall be taken into consideration instead of the market-value at the date of such notification.”; and

(ii) In sub-section (2), for the words “fifteen per centum” the words “thirty-five per centum” shall be substituted and shall be deemed to have been substituted with effect from 1 January 1957.

Amend-
ment of
section 34.

5. In section 34 of the principal Act,—

(i) for the words “with interest thereon at the rate of six per centum”, the words “with compound interest thereon at the rate of twelve per centum” shall be substituted and shall be deemed to have been substituted with effect from 1 January 1957;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that if such compensation or any part thereof is not paid or deposited within a period of one month from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one month on the amount of compensation or part thereof which has not been paid or deposited before such date”.

STATEMENT OF OBJECTS AND REASONS

After Independence there has been rapid urbanisation and expansion of industrial activities and to give it a further boost, the Land Acquisition Act, 1894, has been used for acquiring land for residential colonies, factories and commercial complexes on a large scale throughout the country, particularly in and around large towns like Madras, Bombay, Calcutta and Delhi. It is common knowledge that there has always been a wide time gap between the acquisition of a piece of land and its actual utilisation for the purpose for which it was acquired. Sometimes the gap has been as wide as 10 years. The land acquired is generally far in excess of the needs. Again the mode for determining the price of land acquired is inequitable and very often the application of the Act results in freezing of land prices for long periods. In this process, the small and illiterate farmer suffers. It is, therefore, necessary to amend the Land Acquisition Act, 1894, to obviate injustice to the farmer, particularly, small farmer.

Hence this Bill.

NEW DELHI;

K. RAMAMURTHY

July 6, 1962.

FINANCIAL MEMORANDUM

Clause 4(i) of the Bill provides that in all cases of acquisition of land where Collector's award of compensation has been made after two years of the notification for acquisition of land, the market-value of the land shall be taken to be the market-value of the land on the date of making of such award of compensation. Clause 4(ii) provides for increasing the solatium from fifteen per centum to thirty-five per centum of the market-value of the land. Clause 5 provides for the payment of compound interest at the rate of twelve per centum per annum on the amount of compensation awarded from the time of taking possession of land by the Collector until the amount of compensation has been paid or deposited and in case the amount of compensation is not paid or deposited within a period of one month from the date of taking of possession of the land then interest shall be payable at the rate of fifteen per centum per annum after the expiry of one month. The Bill, thereafter, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two crores per annum.

No non-recurring expenditure is likely to be involved.

AVTAR SINGH RIKHY,
Secretary.